

AMENDMENTS TO THE DRAWINGS

Replace FIG. 1 in the drawings with the enclosed FIG. 1 replacement sheet.

REMARKS

Upon entry of the amendment, claims 5-12, 17, 19-26, and 28-55 will be pending in the application. Claim 18 has been canceled. Claims 5, 9 and 17 are amended. Support for the amendments to claims 5 and 17 appears at, e.g., page 1, line 17 of the instant specification. Claim 9 is amended to correct a typographical error. No new matter has been added by the amendments.

Applicants enclose replacement drawing sheets for FIGURE 1, making the individual drug layers more easily discernable from each other.

Applicants have amended the specification to clarify references to trademarks in the specification.

The Examiner has objected to claims 5, 9, and 18. Applicants have amended claim 5 as suggested by the Examiner. Claim 9 has been amended to correct an informality. Applicants have canceled claim 18.

Rejections under 35 USC 112, first paragraph

Claims 5-12 and 17-26 are rejected for overbreadth. (see paragraph numbered 4 on page 4 of the Office Action). The Examiner asserted that claim 5, from which claims 6-12 and 17 and 19-26 depend, reads on a pharmaceutical composition comprised of any IL-11 polypeptide. Applicants have amended claim 5 so that it specifies that the IL-11 is human IL-11. Thus, Applicants request that this rejection be withdrawn.

Claims 5-12 and 17-26 are rejected for lack of written description (see paragraph numbered 3 on page 5 of the Office Action). The Examiner asserted that claim 5, from which claims 6-12, 17 and 19-26 depend, reads on a pharmaceutical composition comprised of any IL-11 polypeptide. Applicants have amended claim 5 so that the claim specifies that the IL-11 is human IL-11. Applicants request that this rejection be withdrawn.

Rejections under 35 USC 103

Claims 5-12, 17-22, 25 and 28-41 are rejected as obvious in view of Savastano et al., US Patent No. 5,681,584 (“Savastano”) in light of Greenwood-van Meerveld *et al.* J. Pharmacol. Exp. Ther., Col.; 299(1) 58-66 (2001) (“Greenwood”). The rejection is traversed to the extent it is applied to the claims as amended.

Greenwood is not proper prior art to the instant claims. The instant claims are supported in priority application USSN 60/411,040, filed September 16, 2002. Greenwood was available in the October, 2001 issue of the Journal of Pharmacology and Experimental Therapeutics and, thus, it is presumptively available as prior art under 35 U.S.C. § 102(a). However, as is explained in the enclosed Declaration of co-inventor Nicholas W. Warne, Greenwood is simply describing Applicants own work and does not constitute invention by another as required by

section 102(a). As such, Greenwood is not prior art against the pending claims. The Examiner has already stated that the previous obviousness rejection over Savastano alone has been withdrawn. Thus, without the use of Greenwood as prior art, this rejection is moot and Applicants request that this rejection be withdrawn.

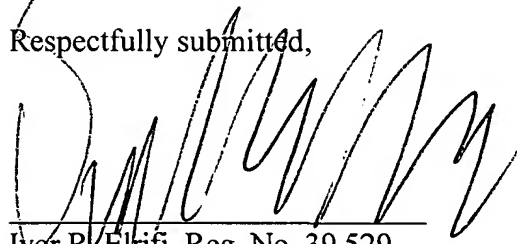
Obviousness-type Double Patenting

Claims 5, 17-20, 28-31, and 38-39 are provisionally rejected over claim 13 of U.S.S.N. 10/360,906 ("the '906 application").

Applicants note that while a Notice of Allowance was mailed November 16, 2006 for the '906 application, the Issue Fee has not yet been paid. Applicants will address the obviousness-type double-patenting rejection if and when they pay the Issue Fee due for '906 application.

A Request for Continued Examination and fee accompanies this response. Please charge any additional fees that may be due, or apply any credit for same, to Deposit Account No. 50-0311 (Reference No. 22058-544).

Respectfully submitted,



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Dated: January 11, 2007